

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

RICHARD LUTZ,
Plaintiff,

vs.

RUI M. PATO,
Defendant.

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2:14-cv-00228-JMS-WGH

ORDER

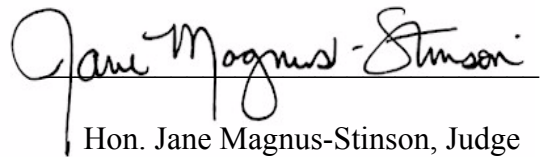
Defendant removed this case from state court to this Court, alleging that this Court has diversity jurisdiction over this matter. [[Filing No. 1 at 1-2.](#)] The Court has an independent duty to ensure that it possesses jurisdiction over the actions assigned to it. [Thomas v. Guardsmark, LLC, 487 F.3d 531, 533 \(7th Cir. 2007\).](#)

Plaintiff filed his Local Rule 81-1 statement, alleging, among other things, that “[t]his action involves a controversy between citizens of different states in that Plaintiff is a resident of the State of Indiana and Defendant is a resident of the State of New York.” [[Filing No. 6 at 1.](#)] But “residence and citizenship are not synonyms and it is the latter that matters for purposes of diversity jurisdiction.” [Meyerson v. Harrah’s East Chicago Casino, 299 F.3d 616, 617 \(7th Cir. 2002\).](#)

The Court is not being hyper-technical: Counsel has a professional obligation to analyze subject-matter jurisdiction, [Heinen v. Northrop Grumman Corp., 671 F.3d 669 \(7th Cir. 2012\)](#), and a federal court always has a responsibility to ensure that it has jurisdiction, [Hukic v. Aurora Loan Servs., 588 F.3d 420, 427 \(7th Cir. 2009\).](#)

To ensure that the Court has diversity jurisdiction, the Court **ORDERS** Plaintiff to file an Amended Local Rule 81-1 Statement by **September 30, 2014**, that properly sets forth the parties’ citizenship rather than their residency.

Date: 09/23/2014

A handwritten signature in black ink, reading "Jane Magnus-Stinson", written over a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution via ECF only to all counsel of record